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10/731,233	12/09/2003	Arnold H. Bramnick	BOC9-2003-0041 (411)	4914

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03/07/2007

EXAMINER

LIQU, ERIC

ART UNIT

PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/731,233

Applicant(s)

BRAMNICK ET AL.

Examiner

Eric Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al., U.S.

Publication No. 2003/0225600.

3. As per claim 12, Slivka teaches a system for re-accommodating passengers, comprising: means for storing passenger data (Slivka: Figure 1, “120”, “110”, and “108”); and means for displaying said passenger data for re-accommodation candidates and for selecting passengers for re-accommodation based upon said display (Slivka: Figure 1, “115” and “106”).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-4, 6-8, 10-11, 13-16, 18-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Bertram et al., U.S. Publication No. 2004/0199411.
6. As per claim 1, Slivka teaches a method for re-accommodating passengers who are unable to travel on scheduled flights, comprising the steps of: obtaining passenger data for said passenger (Slivka: Figure 1, "120", paragraph 0033, and paragraph 0034, "passenger information may be obtained"); presenting said passenger data (Slivka: paragraph 0028, see monitor 115, paragraphs 0033-0035, "passenger database 120" and paragraph 0036, "operations database 118"); and selecting passengers for re-accommodation based upon said presenting step (Slivka: Figure 2, "235", Figure 3, and paragraph 0045 – The Examiner interprets the step of rebooking a passenger to be the step of selecting passengers for re-accommodation.).
7. Slivka does not teach presenting data to an airline employee.
8. Bertram teaches presenting data to an airline employee (Bertram: paragraph 0009, "A carrier agent can utilize a flight monitoring software module to identify a passenger requiring rebooking.").
9. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Slivka to have included presenting data to an airline employee as taught by Bertram for the advantage of providing an improved system and method that manages changes in passenger travel plans (Bertram: paragraph 0008).
10. As per claim 2, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka further teaches the step of displaying flight operations data in said presenting step (Slivka: paragraph 0028, "monitor 115" and paragraph 0036, "operations database 118").

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11. As per claim 3, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka further teaches the said passenger data comprises the frequent flyer status of the passenger (Slivka: paragraph 0035, "frequent flier information").

12. As per claim 4, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka further teaches the said passenger data comprises the remaining unflown ticket value of each passenger. (Slivka: paragraph 0035 – The Examiner interprets the average cost of the passenger's travel history to include the remaining unflown ticket value.).

13. As per claim 6, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka further teaches the said passenger data comprises passenger lifetime value data (Slivka: paragraph 0024, "...values associated passengers based on one or more travel rules." and paragraph 0037, "a PNR value for a disrupted passenger").

14. As per claim 7, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka further teaches passenger data comprises re-accommodation data (Slivka: paragraph 0035, "profile status of the passenger" and paragraph 0036, "...re-accommodation driver 111 may retrieve from operations database 118 seat availability information associated with each flight included in the flight schedule information.").

15. As per claim 8, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka further teaches the step of applying a set of rules to score said passengers, and displaying this score in said display (Slivka: paragraph 0026, "...the present invention may also employ rules that rank certain types of passengers." and paragraph 0028, "monitor 115").

16. As per claim 10, Slivka in view of Bertram teaches the method of claim 8 as described above. Slivka further teaches the said rules comprise arranging said passengers according to

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passenger frequent flyer status (Slivka: paragraph 0024, "... rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status.").

17. As per claim 11, Slivka in view of Bertram teaches the method of claim 8 as described above. Slivka further teaches the said rules require arranging said passengers according to passenger lifetime value data (Slivka: paragraph 0024, "...values associated passengers based on one or more travel rules.").

18. As per claim 13, Slivka teaches a machine-readable storage having stored thereon a computer program having a plurality of code sections executable by a machine (Slivka: paragraph 0018) for causing the machine to perform the steps of: obtaining passenger data for said passenger (Slivka: Figure 1, "120", paragraph 0033, and paragraph 0034, "passenger information may be obtained"); presenting said passenger data (Slivka: paragraph 0028, "monitor 115", paragraphs 0033-0035, "passenger database 120" and paragraph 0036, "operations database 118"); and selecting passengers for re-accommodation based upon said presenting step (Slivka: Figure 2, "235", Figure 3, and paragraph 0045 - The Examiner interprets the step of rebooking a passenger to be the step of selecting passengers for re-accommodation.).

19. Slivka does not teach presenting data to an airline employee.

20. Bertram teaches presenting data to an airline employee (Bertram: paragraph 0009, "A carrier agent can utilize a flight monitoring software module to identify a passenger requiring rebooking.").

21. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the machine-readable storage of Slivka to have included presenting data to an airline employee as taught by Bertram for the advantage of providing an

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improved system and method that manages changes in passenger travel plans (Bertram: paragraph 0008).

22. As per claim 14, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka further teaches the step of displaying flight operations data in said presenting step (Slivka: paragraph 0028, “monitor 115” and paragraph 0036, “operations database 118”).

23. As per claim 15, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka further teaches the said passenger data comprises the frequent flyer status of the passenger (Slivka: paragraph 0035, “frequent flier information”).

24. As per claim 16, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka further teaches the said passenger data comprises the remaining unflown ticket value of each passenger. (Slivka: paragraph 0035 - The Examiner interprets the average cost of the passenger’s travel history to include the remaining unflown ticket value.).

25. As per claim 18, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka further teaches the said passenger data comprises passenger lifetime value data (Slivka: paragraph 0024, “...values associated passengers based on one or more travel rules.” And paragraph 0037, “a PNR value for a disrupted passenger”).

26. As per claim 19, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka further teaches passenger data comprises re-accommodation data (Slivka: paragraph 0035, “profile status of the passenger” and paragraph 0036, “...re-accommodation driver 111 may retrieve from operations database 118 seat availability information associated with each flight included in the flight schedule information.”).

27. As per claim 20, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka further teaches the step of applying a set of rules to score said passengers, and displaying this score in said display (Slivka: paragraph 0026, "...the present invention may also employ rules that rank certain types of passengers." and paragraph 0028, "monitor 115").

28. As per claim 22, Slivka in view of Bertram teaches the machine-readable storage of claim 20 as described above. Slivka further teaches the said rules comprise arranging said passengers according to passenger frequent flyer status (Slivka: paragraph 0024, "... rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status.").

29. As per claim 23, Slivka in view of Bertram teaches the machine-readable storage of claim 20 as described above. Slivka further teaches the said rules require arranging said passengers according to passenger lifetime value data (Slivka: paragraph 0024, "...values associated passengers based on one or more travel rules.").

30. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Bertram et al., U.S. Publication No. 2004/0199411 and further in view of Lancaster et al., U.S. Publication No. 2002/0133456.

31. As per claim 5, Slivka in view of Bertram teaches the method of claim 1 as described above. Slivka in view of Bertram does not teach the rebooking cost of each passenger.

32. Lancaster teaches the rebooking cost of each passenger (Lancaster: paragraph 0191, "...fees associated with cancellation/rebooks.").

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33. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Slivka in view of Bertram to have included the rebooking cost of each passenger as taught by Lancaster for the advantage of providing the ability to value the financial worth of a negotiated agreement (Lancaster: paragraph 0070).

34. As per claim 17, Slivka in view of Bertram teaches the machine-readable storage of claim 13 as described above. Slivka in view of Bertram does not teach the rebooking cost of each passenger.

35. Lancaster teaches the rebooking cost of each passenger (Lancaster: paragraph 0191, "...fees associated with cancellation/rebooks.").

36. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the machine-readable storage of Slivka in view of Bertram to have included the rebooking cost of each passenger as taught by Lancaster for the advantage of providing the ability to value the financial worth of a negotiated agreement (Lancaster: paragraph 0070).

37. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Bertram et al., U.S. Publication No. 2004/0199411 and further in view of Boies et al., U.S. Publication No. 2002/0082878.

38. As per claim 9, Slivka in view of Bertram teaches the method of claim 8 as described above. Slivka in view of Bertram does not teach arranging passengers according to a descending revenue impact to the airline.

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39. Boies teaches arranging passengers according to a descending revenue impact to the airline (Boies: Figure 4, "430" - The Examiner notes, passengers are arranged by seat class or in descending revenue impact to the airline.).

40. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Slivka in view of Bertram to have included arranging passengers according to a descending revenue impact to the airline as taught by Boies for the advantage of reassigning passengers to different seats within their guaranteed category of seating in order to satisfy a subsequent passenger's request (Boies: paragraph 0008).

41. As per claim 21, Slivka in view of Bertram teaches the machine-readable storage of claim 20 as described above. Slivka in view of Bertram does not teach arranging passengers according to a descending revenue impact to the airline.

42. Boies teaches arranging passengers according to a descending revenue impact to the airline (Boies: Figure 4, "430" - The Examiner notes, passengers are arranged by seat class or in descending revenue impact to the airline.).

43. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the machine-readable storage of Slivka in view of Bertram to have included arranging passengers according to a descending revenue impact to the airline as taught by Boies for the advantage of reassigning passengers to different seats within their guaranteed category of seating in order to satisfy a subsequent passenger's request (Boies: paragraph 0008).

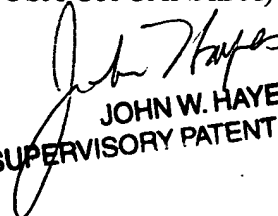
Conclusion

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER